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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 IVY BYRD GAINES,

7 Petitioner,

8 v.

9 UNITED STATES OF AMERICA,

Respondent.

C17-264 TSZ
(related to CR03-496 TSZ)

MINUTE ORDER

10 The following Minute Order is made by direction of the Court, the Honorable
11 Thomas S. Zilly, United States District Judge:

12 (1) Pursuant to the parties' stipulation, docket no. 16, this matter is again
13 STAYED pending resolution of United States v. Dominguez, No. 14-10268, which is
14 currently proceeding before the United States Court of Appeals for the Ninth Circuit.
15 Although the Court agrees with the parties that the Ninth Circuit might provide guidance
16 in Dominguez concerning whether a Hobbs Act robbery constitutes a "crime of violence"
17 under the "elements clause" of 18 U.S.C. § 924(c)(3)(A), the Court also observes that the
18 appellant in Dominguez has asked for re-examination of the holding in Deal v. United
19 States, 508 U.S. 129 (1993), and that 18 U.S.C. § 924(c)(1)(C) was amended in late 2018,
20 while this case was previously stayed. The parties are DIRECTED to file a Joint Status
21 Report within fourteen (14) days after a decision is issued by the Ninth Circuit in
22 Dominguez or any other case addressing either of the subjects described above, namely
23 the status of Hobbs Act robberies or the vitality of Deal in light of the recent statutory
amendment, **or by December 31, 2019**, whichever occurs earlier.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 7th day of August, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk